

SCOTTSDALE

# CITY COUNCIL MEETING



\*\*\* AMENDED \*\*\* AGENDA (ITEM No. 18 CORRECTED TO MATCH REPORT;  
ITEM No. 19 ADDED)

## COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Tuesday, January 20, 2004

**5:00 P.M.**

**MARKED AGENDA**

## CITY COUNCIL MEETING

**Call to Order** – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:05 P.M.**

**Roll Call** – **COUNCILMAN O'HEARN ABSENT**

**Pledge of Allegiance** – **COUNCILWOMAN PILCHER**

**Invocation** – **PASTOR BRUCE JOHNSON OF SCOTTSDALE PRESBYTERIAN CHURCH**

## Boards, Commissions & Task Forces

Development Review Board (1) – **ANNE GALE**

Housing Board (1) – **GARY MORGAN**

Parks and Recreation Commission (1) – **DEAN CERIMELLI**

Planning Commission (1) – **STEVEN STEINKE**

Tourism Development Commission (1) – **TERRI BENICH**

## Public Comment – **JOHN EBY – NEW YEAR'S EVE BLOCK PARTY**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

## Minutes

### SPECIAL MEETINGS

Tuesday, January 6, 2004

### REGULAR MEETINGS

Tuesday, January 6, 2004

### EXECUTIVE SESSIONS

Monday, November 17, 2003

Tuesday, December 9, 2003

**1. Rare Earth Coffee & Wine Bar Liquor License – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 7 (beer/wine bar) State liquor license for a new establishment.

**Location:** 28190 N. Alma School Parkway, Ste. 209, Troon North Center

**Reference:** 94-LL-2003

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov); Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov)

**2. License to use City Property for Outdoor Dining in Downtown Scottsdale – OK - C**

**Request:** Adopt Resolution No. 6433 authorizing license agreement No. 2004-010-COS with J.E. Southwest Group Real Estate, LLC, to construct and operate an outdoor dining area on city-owned right-of-way adjoining ACME Bar & Grill at 4245 North Craftsman Court. This request is in conjunction with a second related request by J.E. Southwest Group for the City to grant an Extension of Premises. This second request is contingent on approval of this license agreement.

**Related Policies, References:**

- Section 2-221(b)(4) of the Scottsdale Revised Code, which allows the sale of City real property interests, including licenses, directly to adjoining property owners.
- Resolution No. 4998 was adopted February 29, 2002, which authorized a license with Wildchild Investments to operate outdoor dining within City right-of-way at 4310 North Brown Avenue. This license also served to establish evaluation criteria for outdoor dining use of public right-of-way.
- Development Review Board approval of ACME remodeling and outdoor dining plans November 6, 2003.
- Agendized request on the January 20, 2004 City Council Agenda for an ACME liquor license Extension of Premises, contingent on the approval of an outdoor dining license.

**Staff Contact(s):** Al Dreska, Municipal Services General Manager, 480-312-5555, [adreska@ScottsdaleAZ.gov](mailto:adreska@ScottsdaleAZ.gov); Robin Rodgers, Asset Management Specialist, 480-312-2522, [rrogers@scottsdaleAZ.gov](mailto:rrogers@scottsdaleAZ.gov)

**3. Acme Bar & Grill Extension of Premises – OK - C**

**Request:** Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing establishment, which currently operates with a series 06 (bar) liquor license.

**Location:** 4245 N. Craftsmans Ct.

**Reference:** 38-EX-2003

**Staff Contact(s):** Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov); Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, [rbushfield@ScottsdaleAZ.Gov](mailto:rbushfield@ScottsdaleAZ.Gov)

**4. Sunflower Estates Final Plat – OK - C**

**Request:** Approve a final plat for seven residential lots with amended development standards on a 9-acre parcel.

**Location:** Southeast corner of Black Mountain & Hayden Roads

**Reference:** 14-PP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Greg Williams, Senior Planner, 480-312-4205, [gwilliams@ScottsdaleAZ.gov](mailto:gwilliams@ScottsdaleAZ.gov)

**5. Slager Residence Abandonment – OK - C**

**Request:** Consider the following:

1. Abandon the 33-foot wide General Land Office (GLO) patent roadway and public utility easements for parcel 217-31-019A.
2. Adopt Resolution No. 6429 vacating and abandoning a portion of right of way and roadway easement.

**Location:** 12953 E. Cochise Rd.

**Reference:** 8-AB-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@ScottsdaleAZ.gov](mailto:scolver@ScottsdaleAZ.gov)

**6. Bell/101 Executive Center Site Plan and Stipulation Amendments – OK - C**

**Request:** Approve:

1. Revision to approved site plan and stipulation amendments for an eight-building office condominium project.
2. Ordinance No. 3547 affirming the revised site plan and stipulation amendments.

**Location:** 8825 E. Bell Rd.

**Reference:** 5-ZN-2000#2

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@ScottsdaleAZ.gov](mailto:scolver@ScottsdaleAZ.gov)

**7. Tiffany Center Rezoning – OK - C**

**Request:** Approval to:

1. Rezone from Single Family Residential Planned Community District (R1-35 PCD) to Central Business District Planned Community District (C-2 PCD) on a 3.5 +/- acre parcel located at the southwest corner of Bell Road and 91st Street.
2. Adopt Ordinance No. 3545 affirming the above rezoning.

**Location:** E. Bell Rd./N. 91st St. (southwest corner)

**Reference:** 7-ZN-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov)

**8. North Scottsdale Collision Rezoning – DENIED 3/3 (AYE-M.M., R.L., D.O.  
NAY-W.E., R.P., T.S.)**

**Request:** Approval to:

1. Rezone from Highway Commercial District (C-3) to General Commercial District (C-4) on a 1.15 +/- acre parcel located at 15450 N. 84th Street.
2. Adopt Ordinance No. 3546 affirming the above rezoning.

**Location:** 15450 N. 84th St.

**Reference:** 15-ZN-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Suzanne Colver, Senior Planner, 480-312-7087, [scolver@ScottsdaleAZ.gov](mailto:scolver@ScottsdaleAZ.gov)

**9. AZ On The Rocks Conditional Use Permit – OK - C**

**Request:** Approve a conditional use permit for a health studio on a 4.3 +/- acre parcel located at 16447 N. 91st Street with Industrial Park Planned Community District (I-1 PCD) zoning.

**Location:** 16447 N. 91st Street Ste. 105

**Reference:** 26-UP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov)

**10. AZ Power Sports Conditional Use Permits – OK – 6/0**

**Requests:**

1. Approve a conditional use permit for automotive repair (motorcycles and all terrain vehicles) on a 1.3 +/- acre parcel located at 7340 E. McDowell Road, with Highway Commercial (C-3) zoning.
2. Approve a conditional use permit for motorcycle sales and outdoor display area (including all terrain vehicles) on a 1.36 +/- acre parcel located at 7340 E. McDowell Road with Highway Commercial District (C-3) zoning.

**Location:** 7340 E. McDowell Rd.

**Reference:** 29-UP-2003 and 30-UP-2003

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Al Ward, Senior Planner, 480-312-7067, [award@ScottsdaleAZ.gov](mailto:award@ScottsdaleAZ.gov)

**11. Scottsdale Professionals On Shea General Plan Amendment and Rezoning – OK – 6/0  
(WITH CHANGES)**

**Request:** Approve:

1. A General Plan amendment (non-major) from Rural Neighborhoods to Office (minor) on a 4.24 +/- acre parcel located within the Shea corridor at the northeast corner of Shea Blvd. & 85th Place.
2. A rezoning from Single Family Residential (R1-35) to Service Residential (S-R) on a 4.24 +/- acre parcel located at the northeast corner of Shea Blvd. and 85th Place.
3. To adopt Resolution No. 6430 affirming the above General Plan Amendment.
4. To adopt Ordinance No. 3550 affirming the above rezoning.

**Location:** E. Shea Blvd./N. 85th Place (northeast corner)

**Reference:** 7-GP-2002 and 14-ZN-2002

**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Tim Curtis, Project Coordination Manager, 480-312-4210, [tcurtis@ScottsdaleAZ.gov](mailto:tcurtis@ScottsdaleAZ.gov)

**12. New Interactive Weapons Training Equipment for Police Department – OK – C**

**Request:** Authorize the use of \$91,200 in expenditure authorization from the FY 2003/04 Special Programs Contingency Budget (280-99538-52890) to the Police Department State RICO Center (280-02302-54530) for the purchase of an Interactive Training Simulator. Available State Racketeering Influenced Corrupt Organization (RICO) dollars of \$91,200 will fund the purchase. The Interactive Training Simulator simulates and tests a police officer's decision-making ability on whether to use lethal or non-lethal force. The equipment can be modified to address specific training needs or recognized patterns.

**Related Policies, References:** AZ Police Officer Standards and Training requires Sworn Police Officers to participate in "decision shoot annually". It is also mandated in the Police Department's policies and procedures.

**Staff Contact(s):** Alan Rodbell, Chief of Police, 480-312-5000, [arodbell@ScottsdaleAZ.gov](mailto:arodbell@ScottsdaleAZ.gov); Jimmy Wasson, Training Sergeant, 480-312-5549, [jwasson@ScottsdaleAZ.gov](mailto:jwasson@ScottsdaleAZ.gov)

**13. Extension of the existing Intergovernmental Agreement (IGA) with the City of Phoenix for bus service on eight routes serving Scottsdale – OK – C**

**Request:** Consider adoption of Resolution No. 6426 to authorize the fifth annual extension of a five-year IGA #1999-113-COS with the City of Phoenix for the provision of bus service on eight routes. City Council authorized a five-year agreement in 1999 subject to annual approval. This action extends the agreement through fiscal year 2003/04. Routes 17, 41, 50, 170, 510, 512, the Green Line, and weekend service for route 106 are covered by this agreement. The estimated cost for fiscal year 2003/04 is \$1,463,508. The contracted amount reflects reductions in service levels that were enacted in response to budgetary constraints during FY 02/03. These reductions affected Express Route 512. Service increases are not anticipated for FY 03/04. The City of Phoenix Transit Department has continued to provide service on the remaining routes in anticipation of the authorization of the extension to the IGA. The City has purchased transit services from the City of Phoenix since 1983.

**Related Policies, References:** IGA #119-113A-COS (Change Order #5), IGA #1999-113-COS; City Procurement Code

**Staff Contact(s):** John C. Little, Jr., Transportation General Manager, 480-312-2530, [jlittle@ScottsdaleAZ.gov](mailto:jlittle@ScottsdaleAZ.gov); Michelle Korf, Transportation Planning Director, 480-312-2638, [mkorf@ScottsdaleAZ.gov](mailto:mkorf@ScottsdaleAZ.gov); Michael Spletter, Contract and Grant Coordinator, 480-312-7656, [mspletter@ScottsdaleAZ.gov](mailto:mspletter@ScottsdaleAZ.gov)

**14. Extension of the existing Intergovernmental Agreement (IGA) with Valley Metro for East Valley Dial-a-Ride service – OK – C**

**Request:** Consider adoption of Resolution No. 6425 to authorize the fifth annual extension of a five-year IGA #1999-114-COS with Valley Metro for the provision of East Valley Dial-a-Ride paratransit services. The estimated cost of purchasing paratransit services from Valley Metro for fiscal year 2003/04 is \$980,976. City Council authorized a five-year agreement in 1999 subject to annual approval. This action extends the agreement through fiscal year 2003/04. The City continues to receive service from Valley Metro in anticipation of the authorization of the extension to the IGA.

**Related Policies, References:** IGA #1999-114A-COS (FY 2003/04 amendment to IGA #1999-114-COS), IGA #1999-114-COS; City Procurement Code; Code of Federal Regulations

**Staff Contact(s):** John C. Little, Jr., Transportation General Manager, 480-312-2530, [jlittle@ScottsdaleAZ.gov](mailto:jlittle@ScottsdaleAZ.gov); Michelle Korf, Transportation Planning Director, 480-312-2638, [mkorf@ScottsdaleAZ.gov](mailto:mkorf@ScottsdaleAZ.gov); Michael Spletter, Contract and Grant Coordinator, 480-312-7656, [mspletter@ScottsdaleAZ.gov](mailto:mspletter@ScottsdaleAZ.gov)

**15. Extension of the existing Intergovernmental Agreement (IGA) with Valley Metro (formerly the Regional Public Transportation Authority--RPTA) for bus service on nine routes within the City of Scottsdale – OK – C**

**Request:** Consider adoption of Resolution No. 6427 to authorize the third annual extension of five-year IGA #2001-146-COS with Valley Metro for the provision of transit and associated services. The estimated cost of purchasing transit services from Valley Metro for fiscal year 2003/04 is \$3,741,985 for fixed route service on nine routes. This amount includes \$248,296 for Regional Services costs such as publication of the Bus Book, and \$100,870 for the staffing of Loloma Station. The estimated cost of this agreement reflects reductions in service levels that were enacted in response to budgetary constraints during FY 02/03. These reductions affected Routes 66, 72, 81, 84, and 114. Service increases are not anticipated for FY 03/04. Valley Metro has continued to provide service on the remaining routes in anticipation of the authorization of the extension to the IGA. Prior years' agreements reflected costs for seven routes. With this agreement, Valley Metro has changed its method of funding routes. Prior agreements did not disclose City routes that had been fully funded by Valley Metro. These routes are now shown, with their related costs, to provide more accurate disclosure of routes and costs contracted by the City. Valley Metro funding offsets will be reflected in total costs and at the year-end reconciliation.

**Related Policies, References:** IGA #2001-146A-COS(Amendments to IGA No. 2001-146-COS), IGA #2001-146-COS; City Procurement Code

**Staff Contact(s):** John C. Little, Jr., Transportation General Manager, 480-312-2530, [jlittle@ScottsdaleAZ.gov](mailto:jlittle@ScottsdaleAZ.gov); Michelle Korf, Transportation Planning Director, 480-312-2638, [mkorf@ScottsdaleAZ.gov](mailto:mkorf@ScottsdaleAZ.gov); Michael Spletter, Contract and Grant Coordinator, 480-312-7656, [mspletter@ScottsdaleAZ.gov](mailto:mspletter@ScottsdaleAZ.gov)

**16. Construction Bid Award for the Scottsdale Center for the Arts Fire Suppression System Improvements – OK – C**

**Request:** Authorize Construction Bid Award No. 03PB048 for Scottsdale Center for the Arts (SCA) Fire Suppression System Improvements to Regency Development, Inc., the lowest responsive bidder, at their lump sum bid of \$554,900.

**Staff Contact(s):** Al Dreska, 480-312-5555, [adreska@ScottsdaleAZ.gov](mailto:adreska@ScottsdaleAZ.gov); Doreen Song, P.E., Project Manager, 480-312-2367, [dsong@scottsdaleaz.gov](mailto:dsong@scottsdaleaz.gov)

**17. Contract Renewal for Legal Services related to Jack Long Scottsdale Auto Parts litigation – OK – C**

**Request:** Adopt Resolution No. 6431 and approve contract No. 2004-008-COS with Mariscal Weeks McIntyre & Friedlander, P.A. in the amount of \$45,000 for legal services related to the Jack Long—Scottsdale Auto Parts litigation.

**Related Policies, References:**

The condemnation was authorized by City Council pursuant to the Scottsdale Memorial Hospital redevelopment agreement

**Staff Contact(s):** Joseph R. Bertoldo, City Attorney, 480-312-2405, [jbortoldo@scottsdaleaz.gov](mailto:jbortoldo@scottsdaleaz.gov); Kelly Ward, Senior Assistant City Attorney, 480-312-2405; [kward@scottsdaleaz.gov](mailto:kward@scottsdaleaz.gov)

**\*\*\*18. Settlement of *City of Scottsdale v. Lovell*, a preserve condemnation case. – OK – C**

**Request:** Adopt Resolution No. 6439 and authorize the City Attorney to settle *City of Scottsdale v. Lovell*, a preserve condemnation case, Superior Court Case number CV2000-017992.

**Related Policies, References:** Resolution No. 5223, which authorized the condemnation of this 10 acre parcel for the McDowell Sonoran Preserve.

**Staff Contact(s):** Robert Cafarella, Director of Preservation, 480-312-2577, [rcafarella@ScottsdaleAZ.gov](mailto:rcafarella@ScottsdaleAZ.gov); Bruce Washburn Deputy City Attorney, [bwashburn@scottsdaleAZ.gov](mailto:bwashburn@scottsdaleAZ.gov) (480) 312-2405

**\*\*\*19. Consider adopting Resolution No. 6440 calling a Special Election to run concurrently with the May 18, 2004 Runoff Election and approving the official language for three ballot measures. – OK – 6/0 (WITH CHANGES)**

**Requests:**

- Adopt Resolution No. 6440 calling a Special Election to be conducted on May 18, 2004 for the purpose of submitting to the qualified electors of the City ballot questions regarding the imposition of special sales taxes to provide funding for the McDowell Sonoran Preserve and public safety services and facilities and authorizing the issuance and sale of General Obligation bonds of the City in a principal amount not to exceed \$500,000,000 for the McDowell Sonoran preserve;
- Designate or provide for the election date, the informational pamphlet, Spanish translation of election materials, deadlines for voter registration, early voting dates, and the type of voting system to be used.

**Related Policies, References:**

- The Scottsdale City Charter establishes the time of holding general elections and runoff elections, if necessary, in even numbered years on the first calendar dates authorized by state law establishing mandatory election dates. The office of mayor and four council member seats are to be filled at the 2004 municipal elections. The Charter also contains provisions for holding special elections.
- Maricopa County Elections Department is statutorily required to provide voter registration and other election services and is well qualified to assist cities and towns with election operations and procedures.
- Also see Funding Options Report(s) dated 12/16/03 and 1/14/04 prepared by Financial Services.

**Staff Contact(s):** Craig Clifford, Chief Financial Officer, 480-312-2364, [cclifford@ScottsdaleAZ.gov](mailto:cclifford@ScottsdaleAZ.gov); Joseph Bertoldo, City Attorney, 480-312-2478, [jbortoldo@ScottsdaleAZ.gov](mailto:jbortoldo@ScottsdaleAZ.gov); Jay Osborn, Senior Assistant City Attorney, 480-312-2561, [josborn@ScottsdaleAZ.gov](mailto:josborn@ScottsdaleAZ.gov)

**Public Comment - NONE**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

**City Manager's Report - NONE**

**Mayor and Council Items - NONE**

**Adjourn City Council Meeting and Convene Work Study Session – 6:50 P.M.**

# Work Study Session

Tuesday, January 20, 2004  
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## 1. Discussion of Liquor License Review Procedures and Bar/After Hours/Live Entertainment Use Permit Criteria

**Staff Contact(s):** Ed Gawf, Deputy City Manager, 480-312-4510, [egawf@ScottsdaleAZ.gov](mailto:egawf@ScottsdaleAZ.gov); Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, [kekblaw@ScottsdaleAZ.gov](mailto:kekblaw@ScottsdaleAZ.gov); Randy Grant, Chief Planning Officer, 480-312-7995, [rgrant@ScottsdaleAZ.gov](mailto:rgrant@ScottsdaleAZ.gov); Alan Rodbell, 480-312-5310, [arodbell@ScottsdaleAZ.gov](mailto:arodbell@ScottsdaleAZ.gov)

**Adjournment – 8:18 P.M.**